94/B; 3738

Attorney Docket no: PHO-104

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Wachter et al.

Wachter et al.

Serial No.: 09/096,832

Filed: June 12, 1998

For: Improved Methods And Apparatus
For Multi-Photon Photo-Activation
Of Therapeutic Agents

Examiner: Thomas C. Barrett

Art Unit: 3738

hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to.

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De June 15. 2005

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97, as revised on February 4, 1992, 1135 OG 23-24, Applicant hereby call the Examiner's attention to documents listed on the attached form, which documents may be material to the examination of this application. A copy of each of the documents is enclosed herewith for the Examiner's consideration.

No inference should be drawn that any apparatus disclosed is equivalent to the subject invention.

The citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a

particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

Each of these documents was cited in divisional application no. 09/871,099 in a Final Rejection dated May 23, 2005 which is in the last three months.

If any fee should be due for this IDS, please charge our Deposit Account No. 50/1039.

Respectfully submitted,

Date: June 15, 2005

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 152005 PTO/SB/08A (08-03) Approved for use through 07/31/2006. OMB 0651-0031 Ja Ulhre U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE ne Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. Complete if Known ite for form 1449/PTO **Application Number** 09/096,832 Filing Date June 12, 1998 ORMATION DISCLOSURE First Named Inventor Eric A. Wachter EMENT BY APPLICANT Art Unit 3738 (Use as many sheets as necessary) **Examiner Name** Thomas C. Barrett Sheet 1 Attorney Docket Number PHO-104

| U. S. PATENT DOCUMENTS | | | | | | | | |
|------------------------|--------------------------|--|--------------------------------|--|---|--|--|--|
| Examiner Initials* | Cite No. ¹ | Document Number Number-Kind Code ^{2 (fkno wn)} | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages,C olumns, Lines, Where Relevant Passages or Relevant Figures Appear | | | |
| | 1 | ^{US-} 5,089,384 | 02/18/1992 | Hale : | | | | |
| | 2 | ^{US-} 5,541,947 | 07/30/1996 | Mourou et al. | | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | | | | | | |
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| Examiner Initials* | Cite No.1 | Foreign PatentD ocument | Publication Date | Name of Patentee or Applicant of Cited Document | Pages,C olumns, Lines, Where Relevant Passages Or Relevant Figures Appear | | | | | |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.